

Instructions

- This form is only for preparing a proposed statement on appeal in a **misdemeanor**.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO) to know your rights and responsibilities. You can get form CR-131-INFO at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.
- This form can be attached to your *Notice Regarding Record of Oral Proceedings (Misdemeanor)* (form CR-134). If it is not attached to that notice, this form must be filed **no later than 20 days after you file that notice. If you have chosen to prepare a statement on appeal and do not file this form on time, the court may dismiss your appeal.**
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- Serve a copy of the completed form on each of the other parties and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the California Courts Online Self-Help Center at www.courtinfo.ca.gov/selfhelp/lowcost/getready.htm#serving.
- Take or mail the original completed form and proof of service on the other parties to the clerk's office for the same court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

Clerk stamps date here when form is filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:**Trial Court Case Name:***The People of the State of California*
v. _____

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:**1 Your Information**

- a. Appellant (the party who is filing this appeal):

Name: _____

Street address: _____
Street City State ZipMailing address (if different): _____
Street City State Zip

Phone: () E-mail (optional): _____

- b. Appellant's lawyer (skip this if the appellant is filling out this form):

The lawyer filling out this form (check (1) or (2)):

(1) ☐ was the appellant's lawyer in the trial court.(2) ☐ is the appellant's lawyer for this appeal.

Name: _____

Street address: _____
Street City State ZipMailing address (if different): _____
Street City State Zip

Phone: () E-mail (optional): _____

Fax (optional): () _____



Trial Court Case Name: _____

Information About Your Appeal

- ② On *(fill in the date)*: _____, I/my client filed a notice of appeal in the trial court case identified in the box on page 1 of this form.
- ③ On *(fill in the date)*: _____, I/my client filed a *Notice Regarding Record of Oral Proceedings*, choosing to use a statement on appeal as the record of what was said in this case.

Proposed Statement**④ The Charges Against Me/My Client**

- a. The charges against me/my client were *(list all of the charges indicated on the complaint or citation filed with the court by the prosecutor)*: _____

- b. I/My client *(check (1), (2), or (3))*:

(1) ☐ pleaded not guilty to all the charges.

(2) ☐ pleaded guilty to only the following charges: _____

(3) ☐ pleaded guilty to all of these charges.

⑤ Summary of Any Motions

- a. Were any motions (requests for the trial court to issue an order) filed in this case?

☐ Yes *(fill out b)* ☐ No *(skip to ⑥)*.

- b. *In the spaces below, please describe any motions (requests for orders) that were made in the trial court. Write a complete and accurate summary of what was said at any hearings on these motions and indicate how the trial court ruled on these motions.*

(1) *Describe the first motion:* _____

The motion was filed by the ☐ prosecutor. ☐ defendant.

There ☐ was ☐ was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing:

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5 b. (continued)The trial court ☐ granted this motion. ☐ did not grant this motion.☐ Other (describe any other action the trial court took concerning this motion): _____☐ Check here if you need more space to describe this motion and attach a separate page or pages describing it. At the top of each page, write "CR-135, item 5b(1)."

(2) Describe the second motion: _____

The motion was filed by the ☐ prosecutor. ☐ defendant.There ☐ was ☐ was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing: _____

The trial court ☐ granted this motion. ☐ did not grant this motion.☐ Other (describe any other action the trial court took concerning this motion): _____☐ Check here if you need more space to describe this motion and attach a separate page or pages describing it. At the top of each page, write "CR-135, item 5b(2)."☐ Check here if any other motions were filed, and attach a separate page or pages describing each motion, identifying who made the motion and whether there was a hearing on the motion, summarizing what was said at the hearing on the motion, and indicating whether the trial court granted or denied the motion. At the top of each page, write "CR-135, item 5b(3)."

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6 Summary of Testimony

a. Was there a trial in your case?

No ☐ (skip items b, c, and d and go to item 7)Yes ☐ (check (1) or (2) and complete items b, c, and d)(1) ☐ Jury trial(2) ☐ Trial by judge only

b. Did you/your client testify at the trial?

☐ No☐ Yes (write a complete and accurate summary of the testimony you/your client gave. Include only what you actually said; do not comment on or give your opinion about what you said):

☐ Check here if you need more space to summarize your/your client's testimony and attach a separate page or pages summarizing this testimony. At the top of each page, write "CR-135, item 6b."

c. Did an officer from the police department, sheriff's office, or other government agency that charged you/your client testify at the trial? (check one):

☐ No☐ Yes (complete (1) and (2)):

(1) The name of the officer who testified is (fill in the officer's name): _____

(2) This officer testified that (write a complete and accurate summary of the officer's testimony. Include only what the officer actually said; do not comment on or give your opinion about what the officer said):

☐ Check here if you need more space to summarize the officer's testimony and attach a separate page or pages summarizing this testimony. At the top of each page, write "CR-135, item 6c."

d. Were there any other witnesses at the trial?

☐ No☐ Yes (fill out (1)–(4)):

(1) The witness's name is (fill in the witness's name): _____

(2) This witness ☐ was ☐ was not an officer from the police department, sheriff's office, or other government agency that charged me/my client.(3) This witness testified on behalf of ☐ me/my client. ☐ the prosecution.

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6 d. (continued)

(4) This witness testified that *(write a complete and accurate summary of the witness's testimony. Include only what the witness actually said; do not comment on or give your opinion about what the witness said):*

☐ Check here if you need more space to summarize this witness's testimony and attach a separate page or pages summarizing this testimony. At the top of each page, write "CR-135, item 6d."

☐ Check here if any other witnesses testified at the trial. Attach a separate page or pages identifying each witness, whether the witness testified on your/your client's behalf or the prosecution's behalf, and summarizing what that witness said in his or her testimony. At the top of each page, write "CR-135, item 6e"

7 The Trial Court's Findings

a. ☐ I/My client was found guilty of the following offenses *(list all of the offenses for which you were/your client was found guilty):* _____

b. ☐ I/My client was found not guilty of the following offenses *(list all of the offenses for which you were/your client was found not guilty):* _____

8 The Sentence

The trial court ordered the following punishment for me/my client in this case *(check all that apply and fill in any required information):*

a. ☐ Jail time *(fill in the amount of time you are/your client is required to spend in jail):* _____

b. ☐ A fine (including penalty and other assessments) *(fill in the amount of the fine):* \$ _____

c. ☐ Restitution *(fill in the amount of the restitution):* \$ _____

d. ☐ Probation *(fill in the amount of time you are/your client is required to be on probation):* _____

e. ☐ Other punishment *(describe any other punishment that the trial court imposed in this case):*

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9 Reasons for Your Appeal

Remember, in an appeal, the appellate division can only review a case for whether certain kinds of legal errors were made in the trial court proceedings (read form CR-131-INFO to learn about these legal errors):

- *There was not “substantial evidence” supporting the judgment, order, or other decision you are appealing*
- *A “prejudicial error” was made during the trial court proceedings.*

The appellate division:

- *Cannot retry your case or take new evidence*
- *Cannot consider whether witnesses were telling the truth or lying*
- *Cannot consider whether there was more or stronger evidence supporting your position than there was supporting the trial court’s decision*

(Check all that apply and describe in detail the legal error or errors you believe were made that are the reason for this appeal.)

- a. ☐ There was not substantial evidence that supported the judgment, order, or other decision I am/my client is appealing in this case. *(Explain why you think the judgment, order, or other decision was not supported by substantial evidence):*

- b. ☐ The following error or errors about either the law or court procedure was/were made that caused substantial harm to me/my client. *(Describe each error and how you were/your client was harmed by that error):*

(1) Describe the error: _____

Describe how this error harmed you/your client: _____

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9 b. (continued)

(2) Describe the error: _____

Describe how this error harmed you/your client: _____

(3) Describe the error: _____

Describe how this error harmed you/your client: _____

☐ Check here if you need more space to describe these or other errors, and attach a separate page or pages describing the errors. At the top of each page, write "CR-135, item 9."

REMINDER: You must serve and file this form no later than 20 days after you file your notice regarding the oral proceedings. If you do not file this form on time, the court may dismiss your appeal.

Date: _____

 Type or print name



 Signature of appellant or attorney